

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA, <div style="text-align: center;">Plaintiff,</div> <div style="text-align: center;">vs.</div> PATRICK DJ NICKS, <div style="text-align: center;">Defendant.</div>)))))))))	8:06CR13 ORDER
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This matter is before the court on the motion for an extension of time by defendant Patrick DJ Nicks (Nicks) (Filing No. 9). Nicks seeks an additional two weeks in which to file pretrial motions in accordance with the progression order (Filing No. 7). Nicks' counsel represents that Nicks will file an affidavit wherein Nicks consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Defendant Nicks's motion for an extension of time (Filing No. 9) is granted. Defendant Nicks given until **on or before March 23, 2006**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **March 10, 2006 and March 23, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The evidentiary hearing tentatively scheduled for 9:00 a.m. on March 21, 2006, is **canceled** and will be rescheduled, if necessary, following the filing of any pretrial motions in accordance with this order.

DATED this 10th day of March, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge